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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,198	04/09/2004	Tomohiro Kimura	7217/72086	2302

530 7590 06/12/2007
LERNER, DAVID, LITTENBERG,
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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/822,198	Applicant(s) KIMURA, TOMOHIRO	
	Examiner Kevin M. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Preliminary amendment filed on April 9, 2004, which has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (US 6,776,824, hereinafter Suzuki).

2. As to claim 1, figures 3 and 4 Suzuki teach a display apparatus, comprising:

display means including a display screen (8);

image signal generating means (1) for generating an image signal corresponding to a no-picture region of a display region on the display screen, the no-picture region being a remaining portion of the display region in which a picture screen is excluded, the picture region an input image signal;

composing means (4) for generating a composite image signal in which an image signal for the no-picture region is combined with the input image signal;

display brightness level setting means (9) for setting a display brightness level based on an average brightness level of the composite image signal from the means;

display drive means (6) for driving the display means to a brightness in accordance with the display brightness level set by said display brightness level setting means;

average brightness level detecting means (15) for detecting an average brightness level of the input image signal; and

no-picture brightness level setting means for setting a brightness level of the image signal for the no-picture region based on the average brightness level detected by the average brightness level detecting means, whereby a display brightness level at which a visual brightness of the no-picture region is substantially constant is set by the display brightness level setting means, as discussed in col. 6, lines 62 through col. 7, line 11.

The operation above-identified elements are described in col. 2, lines 25-59, col. 5, line 40 to col. 6, line 30, and col. 7, line 12 to col. 8, line 67.

As to claim 2, Suzuki teaches the display apparatus according to claim 1, wherein: the display brightness level setting means sets the display brightness level higher in a case that the average brightness level of the composite image signal is lower, and sets the display brightness level lower in a case that the average brightness level of the composite image signal is higher and also when the brightness levels in both cases are equal, col. 2, lines 54-59.

As to claim 3, Suzuki teaches the display apparatus according to claim 1, wherein the display screen has an aspect ratio elongated in a lateral direction as compared with a 4:3 aspect ratio, the picture region having has the 4:3 aspect ratio and is placed at a center in the lateral direction of the display screen having the laterally elongated aspect ratio, and the no-picture region is formed in both of right and left sides of the picture region (the wide screen of the plasma display panel inherently has the picture of the aspect ratio 4:3).

As to claim 4, Suzuki teaches the display apparatus according to claim 1, wherein, on the display screen, pixels are formed from respective display cells of three primary colors, and a grayscale representation is performed by controlling a light emission period of the display cell for each of a plurality of sub-fields, the sub-field being formed by dividing one field, the input image signal includes image signals of three primary colors respectively corresponding to the display cells of three primary colors, and each of the image signals of three primary colors is averaged for each pixel and supplied to the average brightness level detecting means (the image signal input inherently has RGB and is driving by subfields SF0 to SF7, col. 1, lines 30-40).

3. The limitation of **claim 5** is similar to those of **claim 1**, though in method form, therefore the rejection of **claim 5** will be treated using the same rationale as **claim 1**, which omits the step of driving the display means to a brightness in accordance with the display brightness level set by said display level setting means.

Claim 6 shares the same limitations as those of claim 2 and therefore the rationale for rejection will be the same.

Claim 7 shares the same limitations as those of claim 3 and therefore the rationale for rejection will be the same.

4. **Claim 8** shares the same limitations as those of **claim 1** and therefore the rationale for rejection will be the same.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kevin M. Nguyen

Application/Control Number: 10/822,198

Page 6

Art Unit: 2629

Examiner
Art Unit 2629

KMN